

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STEPHEN NUCCIO,

Plaintiff,

v.

NICOLE DUVÉ, in her official capacity as District
Attorney of the County of St. Lawrence,

Defendant.

Civil Action No.:
7:13-CV-1556 (MAD/TWD)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declaration of Zachary M. Mattison, dated April 29, 2014 with accompanying exhibits, and the supporting Memorandum of Law, Defendant Nicole Duvé, in her official capacity as District Attorney of the County of St. Lawrence (“Defendant”), will move before the Hon. Mae A. D’Agostino of the United States District Court for the Northern District of New York at the United States District Courthouse in Albany, New York on June 3, 2014 on submission, or as soon thereafter as counsel may be heard, for an Order granting Defendant’s motion to dismiss Plaintiff’s complaint in its entirety pursuant to Fed. R. Civ. P. 12(b)(3), or in the alternative for a stay, together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that the movant intends to file and serve reply papers.

PLEASE TAKE FURTHER NOTICE that pursuant to N.D.N.Y. L.R. 7(b)(1), the party opposing the motion must file its opposition papers with the Court and serve them upon the other parties not less than 17 days prior to the return date of the motion.

PLEASE TAKE FURTHER NOTICE that the moving party must file its reply papers with the Court and serve them upon the other parties not less than 11 days prior to the return date of the motion.

DATED: April 29, 2014

HANCOCK ESTABROOK, LLP

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